

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KAYLA SMILEY,)
)
Plaintiff,)
)
)
v.) No. 1:23-cv-1001-JPH-MKK
)
)
DR. KATIE JENNER, in her official)
capacity as Indiana Secretary of)
Education,)
)
Defendant.)

Motion for Preliminary Injunction

Plaintiff, by her counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure requests that this Court issue a preliminary injunction preventing the enforcement of Indiana Code § 20-30-17-2 (eff. July 1, 2023). In support of this motion plaintiff says that:

1. This action challenges the constitutionality of Indiana Code § 20-30-17-2 (eff. July 1, 2023), which will prohibit plaintiff, and other school employees, from providing any “instruction” on “human sexuality” to students in prekindergarten through grade 3 on “human sexuality.”
2. The law will take effect on July 1, 2023, and plaintiff will begin teaching students in the 2023-2024 school year on July 31, 2023.

3. Plaintiff is likely to prevail in her challenge to the constitutionality of Indiana Code § 20-30-17-2 (eff. July 1, 2023).

4. Without a preliminary injunction plaintiff will suffer irreparable harm for which there is no adequate remedy at law.

5. The balance of harm favors plaintiff.

6. The public interest will be served by the grant of a preliminary injunction.

7. The preliminary injunction should issue without bond.

8. Plaintiff intends to separately submit documentary or other evidence in support of this Motion prior to or at a preliminary-injunction hearing in this matter. Additionally, plaintiff will timely submit her memorandum of law in support of this Motion within the time period established by any briefing schedule set by this Court. That to-be-filed memorandum is incorporated herein by reference.

9. Plaintiff requests that the Magistrate Judge conduct a conference for the purpose of establishing a briefing schedule for this motion.

WHEREFORE, plaintiff requests that this Court issue a preliminary injunction prohibiting the enforcement of Indiana Code § 20-30-17-2 (eff. July 1, 2023), and for all other proper relief.

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Certificate of Service

I certify that on this 16th day of June 2023, a copy of the foregoing was electronically filed with the Clerk of this Court and that a copy was served on the below-named party by first class U.S. postage, pre-paid.

Dr. Katie Jenner
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